

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b) )  
Table of Allotments ) MB Docket No. 04-162  
FM Broadcast Stations ) RM - 10959  
(Quanah and Iowa Park, Texas) )

To: Office of the Secretary  
Attn: Assistant Chief, Audio Division  
Media Bureau

**COMMENTS**

Big D Broadcasting, LLC ("Big D"), licensee of KVDL(AM), Quanah, Texas, by its counsel and pursuant to Sections 1.415 and 1.419 of the Commission's Rules, hereby submits its Comments in the above captioned proceeding. *See Notice of Proposed Rule Making*, DA 04-1077, (released April 27, 2004) and *Erratum* (released April 28, 2004 which changed the docket number). In support hereof, Big D states as follows:

1. The Petition for Rule Making in this proceeding filed by KIXC-FM, L.L.C., licensee of KIXC(FM), proposed to delete Channel 265C2 at Quanah, Texas and allot Channel 265C3 at Iowa Park, Texas as that community's second local service. KIXC-FM's Petition also indicated that Quanah would not be deprived of its only local service because it is currently served by Station KVDL(AM) and a pending rule making to add Channel 233C3 at Quanah. Big D does not oppose the reallocation of KIXC(FM) from Quanah to Iowa Park. However, Big D submitted an application to move KVDL(AM) from Quanah, Texas to Layton, Utah during the AM Auction Filing Window, which opened on January 26, 2004 and closed on January 30, 2004. *See* BMJP-20040129ARD.

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2. In *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 5 FCC Rcd 7094, ¶ 23 (1990), the Commission held that, where AM and FM licensees in the same community request a change in community of license, the request of the AM licensee should be preferred over that of the FM licensee as long as the AM application is filed by the comment deadline in the FM rule making proceeding. As indicated, the KVDL major change application was filed on January 29, 2004, well before the June 18, 2004 deadline herein. Therefore, even though, Big D's application was filed after KIXC-FM's Petition, Big D's request to move KVDL(AM) to Layton is preferred over KIXC-FM's reallocation of KIXC(FM) to Iowa Park.

WHEREFORE, any action by the Commission in this proceeding should not prejudice Big D's pending application to move KVDL(AM) from Quanah, Texas to Layton, Utah which would be the case if KIXC is relying solely on KVDL(AM) for Quanah's remaining local service.

Respectfully submitted,

BIG D BROADCASTING, LLC

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Its Counsel

June 18, 2004

**CERTIFICATE OF SERVICE**

I, Lisa Balzer, in the law firm of Vinson & Elkins, do hereby certify that I have on this 18th day of June, 2004, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Comments**" to the following:

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